

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MADELEINE GARZA, an individual,  
  
Plaintiff,  
  
v.  
  
NATIONAL RAILROAD PASSENGER  
CORPORATION d/b/a AMTRAK,  
  
Defendant.

Case No. 3:18-cv-05106-BHS

**DECLARATION OF ANDREW G.  
YATES IN SUPPORT OF MOTION  
FOR SUMMARY JUDGMENT ON  
PUNITIVE DAMAGES AND  
CONSUMER PROTECTION ACT  
CLAIM**

I, Andrew G. Yates, declare the following to be true:

1. I am one of the attorneys for Defendant National Railroad Passenger Corporation d/b/a Amtrak ("Amtrak") in the captioned matter. I am of legal age, am competent to testify and make this declaration from my own personal knowledge.

2. Attached to this declaration as **Exhibit A** are true and correct copies of the relevant excerpts of the deposition of Stephen Reaves taken May 1, 2019, that are cited in Defendant's Motion.

3. Attached to this declaration as **Exhibit B** is a true and correct copy of the relevant excerpt of the NTSB Interview of Kurt Laird, Amtrak General Superintendent, given on December 21, 2017.

4. Attached to this declaration as **Exhibit C** is a true and correct copy of the relevant excerpt of the NTSB Interview of Jeff Greenwell, Amtrak Assistant Superintendent, given on December 19, 2017.

DECLARATION OF ANDREW G. YATES - 1

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1           3.       Attached to this declaration as **Exhibit D** is a true and correct copy of the relevant  
2 excerpts of the deposition of Charles Beatson taken April 12, 2019, that are cited in Defendant's  
3 Motion.

4           4.       Attached to this declaration as **Exhibit E** is a true and correct copy of the relevant  
5 excerpts of the deposition of Stephen Preshlock taken May 2, 2019, that are cited in Defendant's  
6 Motion.

7           5.       Attached to this declaration as **Exhibit F** is a true and correct copy of the relevant  
8 excerpt of the deposition of Ray Presley taken April 12, 2019, that is cited in Defendant's Motion.

9           6.       Attached to this declaration as **Exhibit G** is a true and correct copy of the relevant  
10 excerpts of the deposition of Chris Bradasich taken February 13, 2019, that are cited in  
11 Defendant's Motion.

12           7.       Attached to this declaration as **Exhibit H** is a true and correct copy of the relevant  
13 excerpts of the deposition of Kurt Laird taken March 6, 2019, that are cited in Defendant's  
14 Motion.

15           8.       Attached to this declaration as **Exhibit I** is a true and correct copy of the relevant  
16 excerpt of the NTSB Interview of Mark Johnson, Sound Transit Project Director for the Sound's  
17 Capital Program, taken on December 21, 2017.

18           9.       Attached to this declaration as **Exhibit J** is a true and correct copy of the relevant  
19 excerpt of the NTSB Interview of Jason Biggs, WSDOT Operations Manager of Rail, Freight  
20 and Port Divisions, taken on January 16, 2018.

21           10.       Attached to this declaration as **Exhibit K** is a true and correct copy of the relevant  
22 excerpt of the NTSB Interview of Robert Taaffe, Director of Construction and System Safety for  
23 Sound Transit, taken on December 21, 2017.

24           11.       Attached to this declaration as **Exhibit L** is a true and correct copy of the relevant  
25 excerpts of the deposition of Robert Taaffe taken June 11, 2019, that are cited in Defendant's  
26 Motion.

1           12. Attached to this declaration as **Exhibit M** is a true and correct copy of the relevant  
2 excerpts of the deposition of Theresa Impastato taken April 17, 2019, that are cited in  
3 Defendant's Motion.

4           13. Attached to this declaration as **Exhibit N** is a true and correct copy of the relevant  
5 excerpts of a National Railroad Passenger Corporation General Order dated September 5, 2017,  
6 reflecting that this order was issued under Kurt Laird's name as Deputy General Manager of  
7 Amtrak's Pacific Northwest Division.

8           14. Attached to this declaration as **Exhibit O** is a true and correct copy of the relevant  
9 excerpts of the deposition of Shane Tuffy taken May 17, 2019, that are cited in Defendant's  
10 Motion.

11           15. Attached to this declaration as **Exhibit P** is a true and correct copy of the relevant  
12 excerpts of the deposition of Harald Keuerleber taken May 1, 2019, that are cited in Defendant's  
13 Motion.

14           16. Attached to this declaration as **Exhibit Q** is a true and correct copy of the relevant  
15 excerpts of the deposition of Josh Thompson taken March 6, 2019, that are cited in Defendant's  
16 Motion.

17           17. Attached to this declaration as **Exhibit R** is a true and correct copy of the relevant  
18 excerpts of the deposition of Jeff Greenwell taken February 13, 2019, that are cited in  
19 Defendant's Motion.

20           18. Attached to this declaration as **Exhibit S** is a true and correct copy of the relevant  
21 excerpts of the deposition of Madeline Garza taken in this matter on February 26, 2019, that are  
22 cited in Defendant's Motion.

23           19. Attached to this declaration as **Exhibit T** is a true and correct copy of the relevant  
24 excerpt from Plaintiff's Responses to Amtrak's Interrogatories and Requests for Production to  
25 Plaintiff, dated June 27, 2018.

1           20.     As of the date of this Declaration, Plaintiff has not supplemented her discovery to  
2 identify additional damages other than those relating to her personal injuries.

3           I declare under penalty of perjury under the laws of the United States and the State of  
4 Washington that the foregoing is true and correct.

5  
6           DATED this 31st day of July 2019 in Seattle, Washington.

7  
8                                 s/ Andrew G. Yates  
                                      Andrew G. Yates

**CERTIFICATE OF SERVICE**

Pursuant to RCW 9A.72.085, the undersigned certifies under penalty of perjury under the laws of the State of Washington, that on the 31st day of July, 2019, the document attached hereto was presented to the Clerk of the Court for filing and uploading to the CM/ECF system. In accordance with their ECF registration agreement and the Court's rules, the Clerk of the Court will send e-mail notification of such filing to the following persons:

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Executed on the 31st day of July, 2019, at Seattle, Washington.

s/ Alisa R. Flabel  
 Alisa R. Flabel